

AMENDED IN SENATE JUNE 25, 2015

AMENDED IN ASSEMBLY MAY 11, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1081

Introduced by Assembly Member Quirk

February 27, 2015

An act to amend Sections 527.6, 527.8, and 527.85 of the Code of Civil Procedure, to amend Sections 242, 243, and 245 of the Family Code, and to amend Sections 213.5 and 15657.03 of the Welfare and Institutions Code, relating to civil actions.

LEGISLATIVE COUNSEL'S DIGEST

AB 1081, as amended, Quirk. Protective orders.

(1) Existing law provides the procedure by which a temporary restraining order and an injunction prohibiting harassment or abuse may be sought by, or on behalf of, specified persons. Existing law requires the petitioner seeking the restraining order to personally serve the person against whom the temporary restraining order and injunction are sought, known as the respondent, with notice of hearing within 5 days of the hearing on the petition, as specified. If the petitioner files a declaration with the court that he or she could not serve the respondent within the time required, existing law authorizes the court to reissue an order that was dissolved by the court for failure to serve the respondent. Existing law provides that a reissued order will remain in effect until the date of the hearing, and requires that the reissued order state the date that the order expires.

This bill would permit either party to request a continuance of the hearing, as specified, which the court would be required to grant on a

showing of good cause. The bill would permit the request to be made in writing before or at the hearing or orally at the hearing, and would additionally authorize the court to grant a continuance on its own motion. If the court grants a continuance, the bill would require that any temporary restraining order that had previously been granted remain in effect until the conclusion of the continued hearing, and would authorize the court to modify or terminate any temporary restraining order.

(2) Existing law provides that a person who has suffered harassment, defined as unlawful violence, a credible threat of violence, or a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose, may seek a temporary restraining order and an injunction prohibiting harassment. If issued, the injunction would be in effect for a period of up to 5 years and may be renewed for another period of up to 5 years. Under existing law, however, the notice of the hearing must notify the respondent that, if he or she does not attend the hearing on the petition, the court may make orders against him or her that could last up to 3 years.

This bill would modify the requirements for the notice to a respondent so that the respondent is warned that, if he or she does not attend the hearing, the court may make orders against him or her that could last up to 5 years.

(3) *In a matter in which a temporary restraining order or injunction prohibiting harassment or abuse is sought under specified provisions of the Uniform Interstate Family Support Act, existing law provides that a respondent is entitled, as a matter of course, to one continuance for a reasonable period, to respond to the petition.*

This bill would, in a matter in which a civil harassment, workplace violence, or elder or dependent adult abuse temporary restraining order or injunction prohibiting harassment or abuse is sought, provide that the respondent would be entitled, as a matter of course, to one continuance for a reasonable period, to respond to the petition.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 527.6 of the Code of Civil Procedure is
2 amended to read:

1 527.6. (a) (1) A person who has suffered harassment as
2 defined in subdivision (b) may seek a temporary restraining order
3 and an injunction prohibiting harassment as provided in this
4 section.

5 (2) A minor, under 12 years of age, accompanied by a duly
6 appointed and acting guardian ad litem, shall be permitted to appear
7 in court without counsel for the limited purpose of requesting or
8 opposing a request for a temporary restraining order or injunction,
9 or both, under this section as provided in Section 374.

10 (b) For purposes of this section:

11 (1) "Course of conduct" is a pattern of conduct composed of a
12 series of acts over a period of time, however short, evidencing a
13 continuity of purpose, including following or stalking an individual,
14 making harassing telephone calls to an individual, or sending
15 harassing correspondence to an individual by any means, including,
16 but not limited to, the use of public or private mails, interoffice
17 mail, facsimile, or computer email. Constitutionally protected
18 activity is not included within the meaning of "course of conduct."

19 (2) "Credible threat of violence" is a knowing and willful
20 statement or course of conduct that would place a reasonable person
21 in fear for his or her safety, or the safety of his or her immediate
22 family, and that serves no legitimate purpose.

23 (3) "Harassment" is unlawful violence, a credible threat of
24 violence, or a knowing and willful course of conduct directed at
25 a specific person that seriously alarms, annoys, or harasses the
26 person, and that serves no legitimate purpose. The course of
27 conduct must be such as would cause a reasonable person to suffer
28 substantial emotional distress, and must actually cause substantial
29 emotional distress to the petitioner.

30 (4) "Petitioner" means the person to be protected by the
31 temporary restraining order and injunction and, if the court grants
32 the petition, the protected person.

33 (5) "Respondent" means the person against whom the temporary
34 restraining order and injunction are sought and, if the petition is
35 granted, the restrained person.

36 (6) "Temporary restraining order" and "injunction" mean orders
37 that include any of the following restraining orders, whether issued
38 ex parte or after notice and hearing:

39 (A) An order enjoining a party from harassing, intimidating,
40 molesting, attacking, striking, stalking, threatening, sexually

1 assaulting, battering, abusing, telephoning, including, but not
2 limited to, making annoying telephone calls, as described in Section
3 653m of the Penal Code, destroying personal property, contacting,
4 either directly or indirectly, by mail or otherwise, or coming within
5 a specified distance of, or disturbing the peace of, the petitioner.

6 (B) An order enjoining a party from specified behavior that the
7 court determines is necessary to effectuate orders described in
8 subparagraph (A).

9 (7) “Unlawful violence” is any assault or battery, or stalking as
10 prohibited in Section 646.9 of the Penal Code, but shall not include
11 lawful acts of self-defense or defense of others.

12 (c) In the discretion of the court, on a showing of good cause,
13 a temporary restraining order or injunction issued under this section
14 may include other named family or household members.

15 (d) Upon filing a petition for an injunction under this section,
16 the petitioner may obtain a temporary restraining order in
17 accordance with Section 527, except to the extent this section
18 provides a rule that is inconsistent. The temporary restraining order
19 may include any of the restraining orders described in paragraph
20 (6) of subdivision (b). A temporary restraining order may be issued
21 with or without notice, based on a declaration that, to the
22 satisfaction of the court, shows reasonable proof of harassment of
23 the petitioner by the respondent, and that great or irreparable harm
24 would result to the petitioner.

25 (e) A request for the issuance of a temporary restraining order
26 without notice under this section shall be granted or denied on the
27 same day that the petition is submitted to the court, unless the
28 petition is filed too late in the day to permit effective review, in
29 which case the order shall be granted or denied on the next day of
30 judicial business in sufficient time for the order to be filed that day
31 with the clerk of the court.

32 (f) A temporary restraining order issued under this section shall
33 remain in effect, at the court’s discretion, for a period not to exceed
34 21 days, or, if the court extends the time for hearing under
35 subdivision (g), not to exceed 25 days, unless otherwise modified
36 or terminated by the court.

37 (g) Within 21 days, or, if good cause appears to the court, 25
38 days from the date that a petition for a temporary order is granted
39 or denied, a hearing shall be held on the petition for the injunction.
40 If no request for temporary orders is made, the hearing shall be

1 held within 21 days, or, if good cause appears to the court, 25 days,
2 from the date that the petition is filed.

3 (h) The respondent may file a response that explains, excuses,
4 justifies, or denies the alleged harassment or may file a
5 cross-petition under this section.

6 (i) At the hearing, the judge shall receive any testimony that is
7 relevant, and may make an independent inquiry. If the judge finds
8 by clear and convincing evidence that unlawful harassment exists,
9 an injunction shall issue prohibiting the harassment.

10 (j) (1) In the discretion of the court, an order issued after notice
11 and hearing under this section may have a duration of not more
12 than five years, subject to termination or modification by further
13 order of the court either on written stipulation filed with the court
14 or on the motion of a party. The order may be renewed, upon the
15 request of a party, for a duration of not more than five additional
16 years, without a showing of any further harassment since the
17 issuance of the original order, subject to termination or
18 modification by further order of the court either on written
19 stipulation filed with the court or on the motion of a party. A
20 request for renewal may be brought at any time within the three
21 months before the expiration of the order.

22 (2) The failure to state the expiration date on the face of the
23 form creates an order with a duration of three years from the date
24 of issuance.

25 (3) If an action is filed for the purpose of terminating or
26 modifying a protective order prior to the expiration date specified
27 in the order by a party other than the protected party, the party
28 who is protected by the order shall be given notice, pursuant to
29 subdivision (b) of Section 1005, of the proceeding by personal
30 service or, if the protected party has satisfied the requirements of
31 Chapter 3.1 (commencing with Section 6205) of Division 7 of
32 Title 1 of the Government Code, by service on the Secretary of
33 State. If the party who is protected by the order cannot be notified
34 prior to the hearing for modification or termination of the protective
35 order, the court shall deny the motion to modify or terminate the
36 order without prejudice or continue the hearing until the party who
37 is protected can be properly noticed and may, upon a showing of
38 good cause, specify another method for service of process that is
39 reasonably designed to afford actual notice to the protected party.
40 The protected party may waive his or her right to notice if he or

1 she is physically present in court and does not challenge the
2 sufficiency of the notice.

3 (k) This section does not preclude either party from
4 representation by private counsel or from appearing on the party's
5 own behalf.

6 (l) In a proceeding under this section, if there are allegations of
7 unlawful violence or credible threats of violence, a support person
8 may accompany a party in court and, if the party is not represented
9 by an attorney, may sit with the party at the table that is generally
10 reserved for the party and the party's attorney. The support person
11 is present to provide moral and emotional support for a person
12 who alleges he or she is a victim of violence. The support person
13 is not present as a legal adviser and may not provide legal advice.
14 The support person may assist the person who alleges he or she is
15 a victim of violence in feeling more confident that he or she will
16 not be injured or threatened by the other party during the
17 proceedings if the person who alleges he or she is a victim of
18 violence and the other party are required to be present in close
19 proximity. This subdivision does not preclude the court from
20 exercising its discretion to remove the support person from the
21 courtroom if the court believes the support person is prompting,
22 swaying, or influencing the party assisted by the support person.

23 (m) Upon the filing of a petition for an injunction under this
24 section, the respondent shall be personally served with a copy of
25 the petition, temporary restraining order, if any, and notice of
26 hearing of the petition. Service shall be made at least five days
27 before the hearing. The court may for good cause, on motion of
28 the petitioner or on its own motion, shorten the time for service
29 on the respondent.

30 (n) A notice of hearing under this section shall notify the
31 respondent that if he or she does not attend the hearing, the court
32 may make orders against him or her that could last up to five years.

33 (o) *The respondent shall be entitled, as a matter of course, to*
34 *one continuance, for a reasonable period, to respond to the*
35 *petition.*

36 ~~(p)~~

37 (p) (1) Either party may request a continuance of the hearing,
38 which the court shall grant on a showing of good cause. The request
39 may be made in writing before or at the hearing or orally at the
40 hearing. The court may also grant a continuance on its own motion.

1 (2) If the court grants a continuance, any temporary restraining
2 order that has been granted shall remain in effect until the end of
3 the continued hearing, unless otherwise ordered by the court. In
4 granting a continuance, the court may modify or terminate a
5 temporary restraining order.

6 ~~(p)~~

7 (q) (1) If a respondent, named in a restraining order issued after
8 a hearing, has not been served personally with the order but has
9 received actual notice of the existence and substance of the order
10 through personal appearance in court to hear the terms of the order
11 from the court, no additional proof of service is required for
12 enforcement of the order.

13 (2) If the respondent named in a temporary restraining order is
14 personally served with the order and notice of hearing with respect
15 to a restraining order or protective order based on the temporary
16 restraining order, but the respondent does not appear at the hearing,
17 either personally or by an attorney, and the terms and conditions
18 of the restraining order or protective order issued at the hearing
19 are identical to the temporary restraining order, except for the
20 duration of the order, then the restraining order or protective order
21 issued at the hearing may be served on the respondent by first-class
22 mail sent to the respondent at the most current address for the
23 respondent available to the court.

24 (3) The Judicial Council form for temporary orders issued
25 pursuant to this subdivision shall contain a statement in
26 substantially the following form:

27
28 “If you have been personally served with this temporary
29 restraining order and notice of hearing, but you do not appear at
30 the hearing either in person or by a lawyer, and a restraining order
31 that is the same as this temporary restraining order except for the
32 expiration date is issued at the hearing, a copy of the restraining
33 order will be served on you by mail at the following address: ____.

34 If that address is not correct or you wish to verify that the
35 temporary restraining order was converted to a restraining order
36 at the hearing without substantive change and to find out the
37 duration of that order, contact the clerk of the court.”

38
39 ~~(q)~~

1 (r) (1) Information on a temporary restraining order or
2 injunction relating to civil harassment issued by a court pursuant
3 to this section shall be transmitted to the Department of Justice in
4 accordance with either paragraph (2) or (3).

5 (2) The court shall order the petitioner or the attorney for the
6 petitioner to deliver a copy of an order issued under this section,
7 or reissuance, extension, modification, or termination of the order,
8 and any subsequent proof of service, by the close of the business
9 day on which the order, reissuance, extension, modification, or
10 termination was made, to a law enforcement agency having
11 jurisdiction over the residence of the petitioner and to any
12 additional law enforcement agencies within the court's discretion
13 as are requested by the petitioner.

14 (3) Alternatively, the court or its designee shall transmit, within
15 one business day, to law enforcement personnel all information
16 required under subdivision (b) of Section 6380 of the Family Code
17 regarding any order issued under this section, or a reissuance,
18 extension, modification, or termination of the order, and any
19 subsequent proof of service, by either one of the following
20 methods:

21 (A) Transmitting a physical copy of the order or proof of service
22 to a local law enforcement agency authorized by the Department
23 of Justice to enter orders into the California Law Enforcement
24 Telecommunications System (CLETS).

25 (B) With the approval of the Department of Justice, entering
26 the order or proof of service into CLETS directly.

27 (4) Each appropriate law enforcement agency shall make
28 available information as to the existence and current status of these
29 orders to law enforcement officers responding to the scene of
30 reported harassment.

31 (5) An order issued under this section shall, on request of the
32 petitioner, be served on the respondent, whether or not the
33 respondent has been taken into custody, by any law enforcement
34 officer who is present at the scene of reported harassment involving
35 the parties to the proceeding. The petitioner shall provide the
36 officer with an endorsed copy of the order and a proof of service
37 that the officer shall complete and send to the issuing court.

38 (6) Upon receiving information at the scene of an incident of
39 harassment that a protective order has been issued under this
40 section, or that a person who has been taken into custody is the

1 subject of an order, if the protected person cannot produce a
2 certified copy of the order, a law enforcement officer shall
3 immediately attempt to verify the existence of the order.

4 (7) If the law enforcement officer determines that a protective
5 order has been issued but not served, the officer shall immediately
6 notify the respondent of the terms of the order and shall at that
7 time also enforce the order. Verbal notice of the terms of the order
8 shall constitute service of the order and is sufficient notice for the
9 purposes of this section and for the purposes of Section 29825 of
10 the Penal Code.

11 ~~(r)~~

12 (s) The prevailing party in any action brought under this section
13 may be awarded court costs and attorney's fees, if any.

14 ~~(s)~~

15 (t) Any willful disobedience of any temporary restraining order
16 or injunction granted under this section is punishable pursuant to
17 Section 273.6 of the Penal Code.

18 ~~(t)~~

19 (u) (1) A person subject to a protective order issued under this
20 section shall not own, possess, purchase, receive, or attempt to
21 purchase or receive a firearm or ammunition while the protective
22 order is in effect.

23 (2) The court shall order a person subject to a protective order
24 issued under this section to relinquish any firearms he or she owns
25 or possesses pursuant to Section 527.9.

26 (3) Every person who owns, possesses, purchases, or receives,
27 or attempts to purchase or receive, a firearm or ammunition while
28 the protective order is in effect is punishable pursuant to Section
29 29825 of the Penal Code.

30 ~~(u)~~

31 (v) This section does not apply to any action or proceeding
32 covered by Title 1.6C (commencing with Section 1788) of Part 4
33 of Division 3 of the Civil Code or by Division 10 (commencing
34 with Section 6200) of the Family Code. This section does not
35 preclude a petitioner from using other existing civil remedies.

36 ~~(v)~~

37 (w) (1) The Judicial Council shall develop forms, instructions,
38 and rules relating to matters governed by this section. The petition
39 and response forms shall be simple and concise, and their use by

1 parties in actions brought pursuant to this section shall be
2 mandatory.

3 (2) A temporary restraining order or injunction relating to civil
4 harassment issued by a court pursuant to this section shall be issued
5 on forms adopted by the Judicial Council of California and that
6 have been approved by the Department of Justice pursuant to
7 subdivision (i) of Section 6380 of the Family Code. However, the
8 fact that an order issued by a court pursuant to this section was not
9 issued on forms adopted by the Judicial Council and approved by
10 the Department of Justice shall not, in and of itself, make the order
11 unenforceable.

12 ~~(w)~~

13 (x) There is no filing fee for a petition that alleges that a person
14 has inflicted or threatened violence against the petitioner, or stalked
15 the petitioner, or acted or spoken in any other manner that has
16 placed the petitioner in reasonable fear of violence, and that seeks
17 a protective or restraining order or injunction restraining stalking
18 or future violence or threats of violence, in any action brought
19 pursuant to this section. No fee shall be paid for a subpoena filed
20 in connection with a petition alleging these acts. No fee shall be
21 paid for filing a response to a petition alleging these acts.

22 ~~(x)~~

23 (y) (1) Subject to paragraph (4) of subdivision (b) of Section
24 6103.2 of the Government Code, there shall be no fee for the
25 service of process by a sheriff or marshal of a protective order,
26 restraining order, or injunction to be issued, if either of the
27 following conditions applies:

28 (A) The protective order, restraining order, or injunction issued
29 pursuant to this section is based upon stalking, as prohibited by
30 Section 646.9 of the Penal Code.

31 (B) The protective order, restraining order, or injunction issued
32 pursuant to this section is based upon unlawful violence or a
33 credible threat of violence.

34 (2) The Judicial Council shall prepare and develop forms for
35 persons who wish to avail themselves of the services described in
36 this subdivision.

37 SEC. 2. Section 527.8 of the Code of Civil Procedure is
38 amended to read:

39 527.8. (a) Any employer, whose employee has suffered
40 unlawful violence or a credible threat of violence from any

1 individual, that can reasonably be construed to be carried out or
2 to have been carried out at the workplace, may seek a temporary
3 restraining order and an injunction on behalf of the employee and,
4 at the discretion of the court, any number of other employees at
5 the workplace, and, if appropriate, other employees at other
6 workplaces of the employer.

7 (b) For purposes of this section:

8 (1) “Course of conduct” is a pattern of conduct composed of a
9 series of acts over a period of time, however short, evidencing a
10 continuity of purpose, including following or stalking an employee
11 to or from the place of work; entering the workplace; following
12 an employee during hours of employment; making telephone calls
13 to an employee; or sending correspondence to an employee by any
14 means, including, but not limited to, the use of the public or private
15 mails, interoffice mail, facsimile, or computer email.

16 (2) “Credible threat of violence” is a knowing and willful
17 statement or course of conduct that would place a reasonable person
18 in fear for his or her safety, or the safety of his or her immediate
19 family, and that serves no legitimate purpose.

20 (3) “Employer” and “employee” mean persons defined in
21 Section 350 of the Labor Code. “Employer” also includes a federal
22 agency, the state, a state agency, a city, county, or district, and a
23 private, public, or quasi-public corporation, or any public agency
24 thereof or therein. “Employee” also includes the members of boards
25 of directors of private, public, and quasi-public corporations and
26 elected and appointed public officers. For purposes of this section
27 only, “employee” also includes a volunteer or independent
28 contractor who performs services for the employer at the
29 employer’s worksite.

30 (4) “Petitioner” means the employer that petitions under
31 subdivision (a) for a temporary restraining order and injunction.

32 (5) “Respondent” means the person against whom the temporary
33 restraining order and injunction are sought and, if the petition is
34 granted, the restrained person.

35 (6) “Temporary restraining order” and “injunction” mean orders
36 that include any of the following restraining orders, whether issued
37 ex parte or after notice and hearing:

38 (A) An order enjoining a party from harassing, intimidating,
39 molesting, attacking, striking, stalking, threatening, sexually
40 assaulting, battering, abusing, telephoning, including, but not

1 limited to, making annoying telephone calls as described in Section
2 653m of the Penal Code, destroying personal property, contacting,
3 either directly or indirectly, by mail or otherwise, or coming within
4 a specified distance of, or disturbing the peace of, the employee.

5 (B) An order enjoining a party from specified behavior that the
6 court determines is necessary to effectuate orders described in
7 subparagraph (A).

8 (7) “Unlawful violence” is any assault or battery, or stalking as
9 prohibited in Section 646.9 of the Penal Code, but shall not include
10 lawful acts of self-defense or defense of others.

11 (c) This section does not permit a court to issue a temporary
12 restraining order or injunction prohibiting speech or other activities
13 that are constitutionally protected, or otherwise protected by
14 Section 527.3 or any other provision of law.

15 (d) In the discretion of the court, on a showing of good cause,
16 a temporary restraining order or injunction issued under this section
17 may include other named family or household members, or other
18 persons employed at the employee’s workplace or workplaces.

19 (e) Upon filing a petition for an injunction under this section,
20 the petitioner may obtain a temporary restraining order in
21 accordance with subdivision (a) of Section 527, if the petitioner
22 also files a declaration that, to the satisfaction of the court, shows
23 reasonable proof that an employee has suffered unlawful violence
24 or a credible threat of violence by the respondent, and that great
25 or irreparable harm would result to an employee. The temporary
26 restraining order may include any of the protective orders described
27 in paragraph (6) of subdivision (b).

28 (f) A request for the issuance of a temporary restraining order
29 without notice under this section shall be granted or denied on the
30 same day that the petition is submitted to the court, unless the
31 petition is filed too late in the day to permit effective review, in
32 which case the order shall be granted or denied on the next day of
33 judicial business in sufficient time for the order to be filed that day
34 with the clerk of the court.

35 (g) A temporary restraining order granted under this section
36 shall remain in effect, at the court’s discretion, for a period not to
37 exceed 21 days, or if the court extends the time for hearing under
38 subdivision (h), not to exceed 25 days, unless otherwise modified
39 or terminated by the court.

1 (h) Within 21 days, or if good cause appears to the court, 25
2 days from the date that a petition for a temporary order is granted
3 or denied, a hearing shall be held on the petition for the injunction.
4 If no request for temporary orders is made, the hearing shall be
5 held within 21 days, or, if good cause appears to the court, 25 days,
6 from the date that the petition is filed.

7 (i) The respondent may file a response that explains, excuses,
8 justifies, or denies the alleged unlawful violence or credible threats
9 of violence.

10 (j) At the hearing, the judge shall receive any testimony that is
11 relevant and may make an independent inquiry. Moreover, if the
12 respondent is a current employee of the entity requesting the
13 injunction, the judge shall receive evidence concerning the
14 employer's decision to retain, terminate, or otherwise discipline
15 the respondent. If the judge finds by clear and convincing evidence
16 that the respondent engaged in unlawful violence or made a
17 credible threat of violence, an injunction shall issue prohibiting
18 further unlawful violence or threats of violence.

19 (k) (1) In the discretion of the court, an order issued after notice
20 and hearing under this section may have a duration of not more
21 than three years, subject to termination or modification by further
22 order of the court either on written stipulation filed with the court
23 or on the motion of a party. These orders may be renewed, upon
24 the request of a party, for a duration of not more than three years,
25 without a showing of any further violence or threats of violence
26 since the issuance of the original order, subject to termination or
27 modification by further order of the court either on written
28 stipulation filed with the court or on the motion of a party. The
29 request for renewal may be brought at any time within the three
30 months before the expiration of the order.

31 (2) The failure to state the expiration date on the face of the
32 form creates an order with a duration of three years from the date
33 of issuance.

34 (3) If an action is filed for the purpose of terminating or
35 modifying a protective order prior to the expiration date specified
36 in the order by a party other than the protected party, the party
37 who is protected by the order shall be given notice, pursuant to
38 subdivision (b) of Section 1005, of the proceeding by personal
39 service or, if the protected party has satisfied the requirements of
40 Chapter 3.1 (commencing with Section 6205) of Division 7 of

1 Title 1 of the Government Code, by service on the Secretary of
2 State. If the party who is protected by the order cannot be notified
3 prior to the hearing for modification or termination of the protective
4 order, the court shall deny the motion to modify or terminate the
5 order without prejudice or continue the hearing until the party who
6 is protected can be properly noticed and may, upon a showing of
7 good cause, specify another method for service of process that is
8 reasonably designed to afford actual notice to the protected party.
9 The protected party may waive his or her right to notice if he or
10 she is physically present in court and does not challenge the
11 sufficiency of the notice.

12 (l) This section does not preclude either party from
13 representation by private counsel or from appearing on his or her
14 own behalf.

15 (m) Upon filing of a petition for an injunction under this section,
16 the respondent shall be personally served with a copy of the
17 petition, temporary restraining order, if any, and notice of hearing
18 of the petition. Service shall be made at least five days before the
19 hearing. The court may, for good cause, on motion of the petitioner
20 or on its own motion, shorten the time for service on the
21 respondent.

22 (n) A notice of hearing under this section shall notify the
23 respondent that, if he or she does not attend the hearing, the court
24 may make orders against him or her that could last up to three
25 years.

26 (o) *The respondent shall be entitled, as a matter of course, to*
27 *one continuance, for a reasonable period, to respond to the*
28 *petition.*

29 ~~(o)~~

30 (p) (1) Either party may request a continuance of the hearing,
31 which the court shall grant on a showing of good cause. The request
32 may be made in writing before or at the hearing or orally at the
33 hearing. The court may also grant a continuance on its own motion.

34 (2) If the court grants a continuance, any temporary restraining
35 order that has been granted shall remain in effect until the end of
36 the continued hearing, unless otherwise ordered by the court. In
37 granting a continuance, the court may modify or terminate a
38 temporary restraining order.

39 ~~(p)~~

1 (q) (1) If a respondent, named in a restraining order issued
2 under this section after a hearing, has not been served personally
3 with the order but has received actual notice of the existence and
4 substance of the order through personal appearance in court to
5 hear the terms of the order from the court, no additional proof of
6 service is required for enforcement of the order.

7 (2) If the respondent named in a temporary restraining order is
8 personally served with the order and notice of hearing with respect
9 to a restraining order or protective order based on the temporary
10 restraining order, but the person does not appear at the hearing,
11 either personally or by an attorney, and the terms and conditions
12 of the restraining order or protective order issued at the hearing
13 are identical to the temporary restraining order, except for the
14 duration of the order, then the restraining order or protective order
15 issued at the hearing may be served on the person by first-class
16 mail sent to that person at the most current address for the person
17 available to the court.

18 (3) The Judicial Council form for temporary orders issued
19 pursuant to this subdivision shall contain a statement in
20 substantially the following form:

21
22 “If you have been personally served with this temporary
23 restraining order and notice of hearing, but you do not appear at
24 the hearing either in person or by a lawyer, and a restraining order
25 that is the same as this restraining order except for the expiration
26 date is issued at the hearing, a copy of the order will be served on
27 you by mail at the following address: ____.

28 If that address is not correct or you wish to verify that the
29 temporary restraining order was converted to a restraining order
30 at the hearing without substantive change and to find out the
31 duration of that order, contact the clerk of the court.”

32
33 ~~(q)~~

34 (r) (1) Information on a temporary restraining order or
35 injunction relating to workplace violence issued by a court pursuant
36 to this section shall be transmitted to the Department of Justice in
37 accordance with either paragraph (2) or (3).

38 (2) The court shall order the petitioner or the attorney for the
39 petitioner to deliver a copy of any order issued under this section,
40 or a reissuance, extension, modification, or termination of the

1 order, and any subsequent proof of service, by the close of the
2 business day on which the order, reissuance, extension,
3 modification, or termination was made, to each law enforcement
4 agency having jurisdiction over the residence of the petitioner and
5 to any additional law enforcement agencies within the court's
6 discretion as are requested by the petitioner.

7 (3) Alternatively, the court or its designee shall transmit, within
8 one business day, to law enforcement personnel all information
9 required under subdivision (b) of Section 6380 of the Family Code
10 regarding any order issued under this section, or a reissuance,
11 extension, modification, or termination of the order, and any
12 subsequent proof of service, by either one of the following
13 methods:

14 (A) Transmitting a physical copy of the order or proof of service
15 to a local law enforcement agency authorized by the Department
16 of Justice to enter orders into the California Law Enforcement
17 Telecommunications System (CLETS).

18 (B) With the approval of the Department of Justice, entering
19 the order or proof of service into CLETS directly.

20 (4) Each appropriate law enforcement agency shall make
21 available information as to the existence and current status of these
22 orders to law enforcement officers responding to the scene of
23 reported unlawful violence or a credible threat of violence.

24 (5) At the request of the petitioner, an order issued under this
25 section shall be served on the respondent, regardless of whether
26 the respondent has been taken into custody, by any law
27 enforcement officer who is present at the scene of reported
28 unlawful violence or a credible threat of violence involving the
29 parties to the proceedings. The petitioner shall provide the officer
30 with an endorsed copy of the order and proof of service that the
31 officer shall complete and send to the issuing court.

32 (6) Upon receiving information at the scene of an incident of
33 unlawful violence or a credible threat of violence that a protective
34 order has been issued under this section, or that a person who has
35 been taken into custody is the subject of an order, if the petitioner
36 or the protected person cannot produce an endorsed copy of the
37 order, a law enforcement officer shall immediately attempt to
38 verify the existence of the order.

39 (7) If the law enforcement officer determines that a protective
40 order has been issued but not served, the officer shall immediately

1 notify the respondent of the terms of the order and obtain the
2 respondent's address. The law enforcement officer shall at that
3 time also enforce the order, but may not arrest or take the
4 respondent into custody for acts in violation of the order that were
5 committed prior to the verbal notice of the terms and conditions
6 of the order. The law enforcement officer's verbal notice of the
7 terms of the order shall constitute service of the order and
8 constitutes sufficient notice for the purposes of this section and
9 for the purposes of Section 29825 of the Penal Code. The petitioner
10 shall mail an endorsed copy of the order to the respondent's mailing
11 address provided to the law enforcement officer within one
12 business day of the reported incident of unlawful violence or a
13 credible threat of violence at which a verbal notice of the terms of
14 the order was provided by a law enforcement officer.

15 ~~(r)~~

16 (s) (1) A person subject to a protective order issued under this
17 section shall not own, possess, purchase, receive, or attempt to
18 purchase or receive a firearm or ammunition while the protective
19 order is in effect.

20 (2) The court shall order a person subject to a protective order
21 issued under this section to relinquish any firearms he or she owns
22 or possesses pursuant to Section 527.9.

23 (3) Every person who owns, possesses, purchases or receives,
24 or attempts to purchase or receive a firearm or ammunition while
25 the protective order is in effect is punishable pursuant to Section
26 29825 of the Penal Code.

27 ~~(s)~~

28 (t) Any intentional disobedience of any temporary restraining
29 order or injunction granted under this section is punishable pursuant
30 to Section 273.6 of the Penal Code.

31 ~~(t)~~

32 (u) This section shall not be construed as expanding,
33 diminishing, altering, or modifying the duty, if any, of an employer
34 to provide a safe workplace for employees and other persons.

35 ~~(tt)~~

36 (v) (1) The Judicial Council shall develop forms, instructions,
37 and rules for relating to matters governed by this section. The
38 forms for the petition and response shall be simple and concise,
39 and their use by parties in actions brought pursuant to this section
40 shall be mandatory.

(2) A temporary restraining order or injunction relating to unlawful violence or a credible threat of violence issued by a court pursuant to this section shall be issued on forms adopted by the Judicial Council of California and that have been approved by the Department of Justice pursuant to subdivision (i) of Section 6380 of the Family Code. However, the fact that an order issued by a court pursuant to this section was not issued on forms adopted by the Judicial Council and approved by the Department of Justice shall not, in and of itself, make the order unenforceable.

~~(v)~~

(w) There is no filing fee for a petition that alleges that a person has inflicted or threatened violence against an employee of the petitioner, or stalked the employee, or acted or spoken in any other manner that has placed the employee in reasonable fear of violence, and that seeks a protective or restraining order or injunction restraining stalking or future violence or threats of violence, in any action brought pursuant to this section. No fee shall be paid for a subpoena filed in connection with a petition alleging these acts. No fee shall be paid for filing a response to a petition alleging these acts.

~~(w)~~

(x) (1) Subject to paragraph (4) of subdivision (b) of Section 6103.2 of the Government Code, there shall be no fee for the service of process by a sheriff or marshal of a temporary restraining order or injunction to be issued pursuant to this section if either of the following conditions applies:

(A) The temporary restraining order or injunction issued pursuant to this section is based upon stalking, as prohibited by Section 646.9 of the Penal Code.

(B) The temporary restraining order or injunction issued pursuant to this section is based on unlawful violence or a credible threat of violence.

(2) The Judicial Council shall prepare and develop forms for persons who wish to avail themselves of the services described in this subdivision.

SEC. 3. Section 527.85 of the Code of Civil Procedure is amended to read:

527.85. (a) Any chief administrative officer of a postsecondary educational institution, or an officer or employee designated by the chief administrative officer to maintain order on the school

1 campus or facility, a student of which has suffered a credible threat
2 of violence made off the school campus or facility from any
3 individual which can reasonably be construed to be carried out or
4 to have been carried out at the school campus or facility, may, with
5 the written consent of the student, seek a temporary restraining
6 order and an injunction on behalf of the student and, at the
7 discretion of the court, any number of other students at the campus
8 or facility who are similarly situated.

9 (b) For purposes of this section, the following definitions apply:

10 (1) "Chief administrative officer" means the principal, president,
11 or highest ranking official of the postsecondary educational
12 institution.

13 (2) "Course of conduct" means a pattern of conduct composed
14 of a series of acts over a period of time, however short, evidencing
15 a continuity of purpose, including any of the following:

16 (A) Following or stalking a student to or from school.

17 (B) Entering the school campus or facility.

18 (C) Following a student during school hours.

19 (D) Making telephone calls to a student.

20 (E) Sending correspondence to a student by any means,
21 including, but not limited to, the use of the public or private mails,
22 interoffice mail, facsimile, or computer email.

23 (3) "Credible threat of violence" means a knowing and willful
24 statement or course of conduct that would place a reasonable person
25 in fear for his or her safety, or the safety of his or her immediate
26 family, and that serves no legitimate purpose.

27 (4) "Petitioner" means the chief administrative officer, or his
28 or her designee, who petitions under subdivision (a) for a temporary
29 restraining order and injunction.

30 (5) "Postsecondary educational institution" means a private
31 institution of vocational, professional, or postsecondary education.

32 (6) "Respondent" means the person against whom the temporary
33 restraining order and injunction are sought and, if the petition is
34 granted, the restrained person.

35 (7) "Student" means an adult currently enrolled in or applying
36 for admission to a postsecondary educational institution.

37 (8) "Temporary restraining order" and "injunction" mean orders
38 that include any of the following restraining orders, whether issued
39 ex parte, or after notice and hearing:

1 (A) An order enjoining a party from harassing, intimidating,
2 molesting, attacking, striking, stalking, threatening, sexually
3 assaulting, battering, abusing, telephoning, including, but not
4 limited to, making annoying telephone calls as described in Section
5 653m of the Penal Code, destroying personal property, contacting,
6 either directly or indirectly, by mail or otherwise, or coming within
7 a specified distance of, or disturbing the peace of, the student.

8 (B) An order enjoining a party from specified behavior that the
9 court determines is necessary to effectuate orders described in
10 subparagraph (A).

11 (9) “Unlawful violence” means any assault or battery, or stalking
12 as prohibited in Section 646.9 of the Penal Code, but shall not
13 include lawful acts of self-defense or defense of others.

14 (c) This section does not permit a court to issue a temporary
15 restraining order or injunction prohibiting speech or other activities
16 that are constitutionally protected, or otherwise protected by
17 Section 527.3 or any other provision of law.

18 (d) In the discretion of the court, on a showing of good cause,
19 a temporary restraining order or injunction issued under this section
20 may include other named family or household members of the
21 student, or other students at the campus or facility.

22 (e) Upon filing a petition for an injunction under this section,
23 the petitioner may obtain a temporary restraining order in
24 accordance with subdivision (a) of Section 527, if the petitioner
25 also files a declaration that, to the satisfaction of the court, shows
26 reasonable proof that a student has suffered a credible threat of
27 violence made off the school campus or facility by the respondent,
28 and that great or irreparable harm would result to the student. The
29 temporary restraining order may include any of the protective
30 orders described in paragraph (8) of subdivision (b).

31 (f) A request for the issuance of a temporary restraining order
32 without notice under this section shall be granted or denied on the
33 same day that the petition is submitted to the court, unless the
34 petition is filed too late in the day to permit effective review, in
35 which case the order shall be granted or denied on the next day of
36 judicial business in sufficient time for the order to be filed that day
37 with the clerk of the court.

38 (g) A temporary restraining order granted under this section
39 shall remain in effect, at the court’s discretion, for a period not to
40 exceed 21 days, or if the court extends the time for hearing under

1 subdivision (h), not to exceed 25 days, unless otherwise modified
2 or terminated by the court.

3 (h) Within 21 days, or if good cause appears to the court, within
4 25 days, from the date that a petition for a temporary order is
5 granted or denied, a hearing shall be held on the petition for the
6 injunction. If no request for temporary orders is made, the hearing
7 shall be held within 21 days, or if good cause appears to the court,
8 25 days, from the date the petition is filed.

9 (i) The respondent may file a response that explains, excuses,
10 justifies, or denies the alleged credible threats of violence.

11 (j) At the hearing, the judge shall receive any testimony that is
12 relevant and may make an independent inquiry. Moreover, if the
13 respondent is a current student of the entity requesting the
14 injunction, the judge shall receive evidence concerning the decision
15 of the postsecondary educational institution decision to retain,
16 terminate, or otherwise discipline the respondent. If the judge finds
17 by clear and convincing evidence that the respondent made a
18 credible threat of violence off the school campus or facility, an
19 injunction shall be issued prohibiting further threats of violence.

20 (k) (1) In the discretion of the court, an order issued after notice
21 and hearing under this section may have a duration of not more
22 than three years, subject to termination or modification by further
23 order of the court either on written stipulation filed with the court
24 or on the motion of a party. These orders may be renewed, upon
25 the request of a party, for a duration of not more than three years,
26 without a showing of any further violence or threats of violence
27 since the issuance of the original order, subject to termination or
28 modification by further order of the court either on written
29 stipulation filed with the court or on the motion of a party. The
30 request for renewal may be brought at any time within the three
31 months before the expiration of the order.

32 (2) The failure to state the expiration date on the face of the
33 form creates an order with a duration of three years from the date
34 of issuance.

35 (3) If an action is filed for the purpose of terminating or
36 modifying a protective order prior to the expiration date specified
37 in the order by a party other than the protected party, the party
38 who is protected by the order shall be given notice, pursuant to
39 subdivision (b) of Section 1005, of the proceeding by personal
40 service or, if the protected party has satisfied the requirements of

Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code, by service on the Secretary of State. If the party who is protected by the order cannot be notified prior to the hearing for modification or termination of the protective order, the court shall deny the motion to modify or terminate the order without prejudice or continue the hearing until the party who is protected can be properly noticed and may, upon a showing of good cause, specify another method for service of process that is reasonably designed to afford actual notice to the protected party. The protected party may waive his or her right to notice if he or she is physically present in court and does not challenge the sufficiency of the notice.

(l) This section does not preclude either party from representation by private counsel or from appearing on his or her own behalf.

(m) Upon filing of a petition for an injunction under this section, the respondent shall be personally served with a copy of the petition, temporary restraining order, if any, and notice of hearing of the petition. Service shall be made at least five days before the hearing. The court may, for good cause, on motion of the petitioner or on its own motion, shorten the time for service on the respondent.

(n) A notice of hearing under this section shall notify the respondent that if he or she does not attend the hearing, the court may make orders against him or her that could last up to three years.

(o) *The respondent shall be entitled, as a matter of course, to one continuance, for a reasonable period, to respond to the petition.*

~~(p)~~

(p) (1) Either party may request a continuance of the hearing, which the court shall grant on a showing of good cause. The request may be made in writing before or at the hearing or orally at the hearing. The court may also grant a continuance on its own motion.

(2) If the court grants a continuance, any temporary restraining order that has been granted shall remain in effect until the end of the continued hearing, unless otherwise ordered by the court. In granting a continuance, the court may modify or terminate a temporary restraining order.

~~(p)~~

1 (q) (1) If a respondent, named in an order issued under this
2 section after a hearing, has not been served personally with the
3 order but has received actual notice of the existence and substance
4 of the order through personal appearance in court to hear the terms
5 of the order from the court, no additional proof of service is
6 required for enforcement of the order.

7 (2) If the respondent named in a temporary restraining order is
8 personally served with the order and notice of hearing with respect
9 to a restraining order or protective order based on the temporary
10 restraining order, but the respondent does not appear at the hearing,
11 either personally or by an attorney, and the terms and conditions
12 of the restraining order or protective order issued at the hearing
13 are identical to the temporary restraining order, except for the
14 duration of the order, then the restraining order or protective order
15 issued at the hearing may be served on the respondent by first-class
16 mail sent to that person at the most current address for the
17 respondent available to the court.

18 (3) The Judicial Council form for temporary orders issued
19 pursuant to this subdivision shall contain a statement in
20 substantially the following form:

21
22 “If you have been personally served with a temporary restraining
23 order and notice of hearing, but you do not appear at the hearing
24 either in person or by a lawyer, and a restraining order that is the
25 same as this temporary restraining order except for the expiration
26 date is issued at the hearing, a copy of the order will be served on
27 you by mail at the following address:_____.

28 If that address is not correct or you wish to verify that the
29 temporary restraining order was converted to a restraining order
30 at the hearing without substantive change and to find out the
31 duration of that order, contact the clerk of the court.”

32
33 ~~(q)~~

34 (r) (1) Information on a temporary restraining order or
35 injunction relating to schoolsite violence issued by a court pursuant
36 to this section shall be transmitted to the Department of Justice in
37 accordance with either paragraph (2) or (3).

38 (2) The court shall order the petitioner or the attorney for the
39 petitioner to deliver a copy of any order issued under this section,
40 or a reissuance, extension, modification, or termination of the

1 order, and any subsequent proof of service, by the close of the
2 business day on which the order, reissuance, or termination of the
3 order, and any proof of service, was made, to each law enforcement
4 agency having jurisdiction over the residence of the petition and
5 to any additional law enforcement agencies within the court's
6 discretion as are requested by the petitioner.

7 (3) Alternatively, the court or its designee shall transmit, within
8 one business day, to law enforcement personnel all information
9 required under subdivision (b) of Section 6380 of the Family Code
10 regarding any order issued under this section, or a reissuance,
11 extension, modification, or termination of the order, and any
12 subsequent proof of service, by either one of the following
13 methods:

14 (A) Transmitting a physical copy of the order or proof of service
15 to a local law enforcement agency authorized by the Department
16 of Justice to enter orders into the California Law Enforcement
17 Telecommunications System (CLETS).

18 (B) With the approval of the Department of Justice, entering
19 the order of proof of service into CLETS directly.

20 (4) Each appropriate law enforcement agency shall make
21 available information as to the existence and current status of these
22 orders to law enforcement officers responding to the scene of
23 reported unlawful violence or a credible threat of violence.

24 (5) At the request of the petitioner, an order issued under this
25 section shall be served on the respondent, regardless of whether
26 the respondent has been taken into custody, by any law
27 enforcement officer who is present at the scene of reported
28 unlawful violence or a credible threat of violence involving the
29 parties to the proceedings. The petitioner shall provide the officer
30 with an endorsed copy of the order and proof of service that the
31 officer shall complete and send to the issuing court.

32 (6) Upon receiving information at the scene of an incident of
33 unlawful violence or a credible threat of violence that a protective
34 order has been issued under this section, or that a person who has
35 been taken into custody is the subject of an order, if the petitioner
36 or the protected person cannot produce an endorsed copy of the
37 order, a law enforcement officer shall immediately attempt to
38 verify the existence of the order.

39 (7) If the law enforcement officer determines that a protective
40 order has been issued but not served, the officer shall immediately

1 notify the respondent of the terms of the order and obtain the
2 respondent's address. The law enforcement officer shall at that
3 time also enforce the order, but may not arrest or take the
4 respondent into custody for acts in violation of the order that were
5 committed prior to the verbal notice of the terms and conditions
6 of the order. The law enforcement officer's verbal notice of the
7 terms of the order shall constitute service of the order and
8 constitutes sufficient notice for the purposes of this section, and
9 Section 29825 of the Penal Code. The petitioner shall mail an
10 endorsed copy of the order to the respondent's mailing address
11 provided to the law enforcement officer within one business day
12 of the reported incident of unlawful violence or a credible threat
13 of violence at which a verbal notice of the terms of the order was
14 provided by a law enforcement officer.

15 ~~(r)~~

16 (s) (1) A person subject to a protective order issued under this
17 section shall not own, possess, purchase, receive, or attempt to
18 purchase or receive a firearm or ammunition while the protective
19 order is in effect.

20 (2) The court shall order a person subject to a protective order
21 issued under this section to relinquish any firearms he or she owns
22 or possesses pursuant to Section 527.9.

23 (3) Every person who owns, possesses, purchases, or receives,
24 or attempts to purchase or receive a firearm or ammunition while
25 the protective order is in effect is punishable pursuant to Section
26 29825 of the Penal Code.

27 ~~(s)~~

28 (t) Any intentional disobedience of any temporary restraining
29 order or injunction granted under this section is punishable pursuant
30 to Section 273.6 of the Penal Code.

31 ~~(t)~~

32 (u) This section shall not be construed as expanding,
33 diminishing, altering, or modifying the duty, if any, of a
34 postsecondary educational institution to provide a safe environment
35 for students and other persons.

36 ~~(u)~~

37 (v) (1) The Judicial Council shall develop forms, instructions,
38 and rules relating to matters governed by this section. The forms
39 for the petition and response shall be simple and concise, and their

1 use by parties in actions brought pursuant to this section shall be
2 mandatory.

3 (2) A temporary restraining order or injunction relating to
4 unlawful violence or a credible threat of violence issued by a court
5 pursuant to this section shall be issued on forms adopted by the
6 Judicial Council that have been approved by the Department of
7 Justice pursuant to subdivision (i) of Section 6380 of the Family
8 Code. However, the fact that an order issued by a court pursuant
9 to this section was not issued on forms adopted by the Judicial
10 Council and approved by the Department of Justice shall not, in
11 and of itself, make the order unenforceable.

12 ~~(v)~~

13 (w) There is no filing fee for a petition that alleges that a person
14 has threatened violence against a student of the petitioner, or
15 stalked the student, or acted or spoken in any other manner that
16 has placed the student in reasonable fear of violence, and that seeks
17 a protective or restraining order or injunction restraining stalking
18 or future threats of violence, in any action brought pursuant to this
19 section. No fee shall be paid for a subpoena filed in connection
20 with a petition alleging these acts. No fee shall be paid for filing
21 a response to a petition alleging these acts.

22 ~~(w)~~

23 (x) (1) Subject to paragraph (4) of subdivision (b) of Section
24 6103.2 of the Government Code, there shall be no fee for the
25 service of process by a sheriff or marshal of a temporary restraining
26 order or injunction to be issued pursuant to this section if either
27 of the following conditions applies:

28 (A) The temporary restraining order or injunction issued
29 pursuant to this section is based upon stalking, as prohibited by
30 Section 646.9 of the Penal Code.

31 (B) The temporary restraining order or injunction issued
32 pursuant to this section is based upon a credible threat of violence.

33 (2) The Judicial Council shall prepare and develop forms for
34 persons who wish to avail themselves of the services described in
35 this subdivision.

36 SEC. 4. Section 242 of the Family Code is amended to read:

37 242. (a) Within 21 days, or, if good cause appears to the court,
38 25 days from the date that a temporary restraining order is granted
39 or denied, a hearing shall be held on the petition. If no request for
40 a temporary restraining order is made, the hearing shall be held

1 within 21 days, or, if good cause appears to the court, 25 days from
2 the date that the petition is filed.

3 (b) If a hearing is not held within the time provided in
4 subdivision (a), the court may nonetheless hear the matter, but the
5 temporary restraining order shall no longer be enforceable unless
6 it is extended under Section 245.

7 SEC. 5. Section 243 of the Family Code is amended to read:

8 243. (a) When the matter first comes up for hearing, the
9 petitioner must be ready to proceed.

10 (b) If a petition under this part has been filed, the respondent
11 shall be personally served with a copy of the petition, the temporary
12 restraining order, if any, and the notice of hearing on the petition.
13 Service shall be made at least five days before the hearing.

14 (c) If service is made under subdivision (b), the respondent may
15 file a response that explains or denies the allegations in the petition.

16 (d) On motion of the petitioner or on its own motion, the court
17 may shorten the time provided in this section for service on the
18 respondent.

19 SEC. 6. Section 245 of the Family Code is amended to read:

20 245. (a) The respondent *is shall be* entitled, as a matter of
21 course, to one continuance, for a reasonable period, to respond to
22 the petition.

23 (b) Either party may request a continuance of the hearing, which
24 the court shall grant on a showing of good cause. The request may
25 be made in writing before or at the hearing or orally at the hearing.
26 The court may also grant a continuance on its own motion.

27 (c) If the court grants a continuance, any temporary restraining
28 order that has been issued shall remain in effect until the end of
29 the continued hearing, unless otherwise ordered by the court. In
30 granting a continuance, the court may modify or terminate a
31 temporary restraining order.

32 (d) If the court grants a continuance, the extended temporary
33 restraining order shall state on its face the new date of expiration
34 of the order.

35 (e) A fee shall not be charged for the extension of the temporary
36 restraining order.

37 SEC. 7. Section 213.5 of the Welfare and Institutions Code is
38 amended to read:

39 213.5. (a) After a petition has been filed pursuant to Section
40 311 to declare a child a dependent child of the juvenile court, and

1 until the time that the petition is dismissed or dependency is
2 terminated, upon application in the manner provided by Section
3 527 of the Code of Civil Procedure or in the manner provided by
4 Section 6300 of the Family Code, if related to domestic violence,
5 the juvenile court has exclusive jurisdiction to issue ex parte orders
6 (1) enjoining any person from molesting, attacking, striking,
7 stalking, threatening, sexually assaulting, battering, harassing,
8 telephoning, including, but not limited to, making annoying
9 telephone calls as described in Section 653m of the Penal Code,
10 destroying the personal property, contacting, either directly or
11 indirectly, by mail or otherwise, coming within a specified distance
12 of, or disturbing the peace of the child or any other child in the
13 household; and (2) excluding any person from the dwelling of the
14 person who has care, custody, and control of the child. A court
15 may also issue an ex parte order enjoining any person from
16 molesting, attacking, striking, stalking, threatening, sexually
17 assaulting, battering, harassing, telephoning, including, but not
18 limited to, making annoying telephone calls as described in Section
19 653m of the Penal Code, destroying the personal property,
20 contacting, either directly or indirectly, by mail or otherwise,
21 coming within a specified distance of, or disturbing the peace of
22 any parent, legal guardian, or current caretaker of the child,
23 regardless of whether the child resides with that parent, legal
24 guardian, or current caretaker, upon application in the manner
25 provided by Section 527 of the Code of Civil Procedure or, if
26 related to domestic violence, in the manner provided by Section
27 6300 of the Family Code. A court may also issue an ex parte order
28 enjoining any person from molesting, attacking, striking, stalking,
29 threatening, sexually assaulting, battering, harassing, telephoning,
30 including, but not limited to, making annoying telephone calls as
31 described in Section 653m of the Penal Code, destroying the
32 personal property, contacting, either directly or indirectly, by mail
33 or otherwise, coming within a specified distance of, or disturbing
34 the peace of the child's current or former social worker or court
35 appointed special advocate, upon application in the manner
36 provided by Section 527 of the Code of Civil Procedure.

37 (b) After a petition has been filed pursuant to Section 601 or
38 602 to declare a child a ward of the juvenile court, and until the
39 time that the petition is dismissed or wardship is terminated, upon
40 application in the manner provided by Section 527 of the Code of

Civil Procedure or, if related to domestic violence, in the manner provided by Section 6300 of the Family Code, the juvenile court may issue ex parte orders (1) enjoining any person from molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, harassing, telephoning, including, but not limited to, making annoying telephone calls as described in Section 653m of the Penal Code, destroying the personal property, contacting, either directly or indirectly, by mail or otherwise, coming within a specified distance of, or disturbing the peace of the child or any other child in the household; (2) excluding any person from the dwelling of the person who has care, custody, and control of the child; or (3) enjoining the child from contacting, threatening, stalking, or disturbing the peace of any person the court finds to be at risk from the conduct of the child, or with whom association would be detrimental to the child. A court may also issue an ex parte order enjoining any person from molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, harassing, telephoning, including, but not limited to, making annoying telephone calls as described in Section 653m of the Penal Code, destroying the personal property, contacting, either directly or indirectly, by mail or otherwise, coming within a specified distance of, or disturbing the peace of any parent, legal guardian, or current caretaker of the child, regardless of whether the child resides with that parent, legal guardian, or current caretaker, upon application in the manner provided by Section 527 of the Code of Civil Procedure or, if related to domestic violence, in the manner provided by Section 6300 of the Family Code. A court may also issue an ex parte order enjoining any person from molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, harassing, telephoning, including, but not limited to, making annoying telephone calls as described in Section 653m of the Penal Code, destroying the personal property, contacting, either directly or indirectly, by mail or otherwise, coming within a specified distance of, or disturbing the peace of the child's current or former probation officer or court appointed special advocate, upon application in the manner provided by Section 527 of the Code of Civil Procedure.

(c) (1) If a temporary restraining order is granted without notice, the matter shall be made returnable on an order requiring cause to be shown why the order should not be granted, on the earliest day

1 that the business of the court will permit, but not later than 21 days
2 or, if good cause appears to the court, 25 days from the date the
3 temporary restraining order is granted.

4 *(2) The respondent shall be entitled, as a matter of course, to*
5 *one continuance, for a reasonable period, to respond to the*
6 *petition.*

7 ~~(2)~~

8 (3) Either party may request a continuance of the hearing, which
9 the court shall grant on a showing of good cause. The request may
10 be made in writing before or at the hearing or orally at the hearing.
11 The court may also grant a continuance on its own motion.

12 ~~(3)~~

13 (4) If the court grants a continuance, any temporary restraining
14 order that has been issued shall remain in effect until the end of
15 the continued hearing, unless otherwise ordered by the court. In
16 granting a continuance, the court may modify or terminate a
17 temporary restraining order.

18 ~~(4)~~

19 (5) A hearing pursuant to this section may be held
20 simultaneously with any regularly scheduled hearings held in
21 proceedings to declare a child a dependent child or ward of the
22 juvenile court pursuant to Section 300, 601, or 602, or subsequent
23 hearings regarding the dependent child or ward.

24 (d) (1) The juvenile court may issue, upon notice and a hearing,
25 any of the orders set forth in subdivisions (a), (b), and (c). A
26 restraining order granted pursuant to this subdivision shall remain
27 in effect, in the discretion of the court, no more than three years,
28 unless otherwise terminated by the court, extended by mutual
29 consent of all parties to the restraining order, or extended by further
30 order of the court on the motion of any party to the restraining
31 order.

32 (2) If an action is filed for the purpose of terminating or
33 modifying a protective order prior to the expiration date specified
34 in the order by a party other than the protected party, the party
35 who is protected by the order shall be given notice, pursuant to
36 subdivision (b) of Section 1005 of the Code of Civil Procedure,
37 of the proceeding by personal service or, if the protected party has
38 satisfied the requirements of Chapter 3.1 (commencing with
39 Section 6205) of Division 7 of Title 1 of the Government Code,
40 by service on the Secretary of State. If the party who is protected

1 by the order cannot be notified prior to the hearing for modification
2 or termination of the protective order, the juvenile court shall deny
3 the motion to modify or terminate the order without prejudice or
4 continue the hearing until the party who is protected can be
5 properly noticed and may, upon a showing of good cause, specify
6 another method for service of process that is reasonably designed
7 to afford actual notice to the protected party. The protected party
8 may waive his or her right to notice if he or she is physically
9 present and does not challenge the sufficiency of the notice.

10 (e) (1) The juvenile court may issue an order made pursuant to
11 subdivision (a), (b), or (d) excluding a person from a residence or
12 dwelling. This order may be issued for the time and on the
13 conditions that the court determines, regardless of which party
14 holds legal or equitable title or is the lessee of the residence or
15 dwelling.

16 (2) The court may issue an order under paragraph (1) only on
17 a showing of all of the following:

18 (A) Facts sufficient for the court to ascertain that the party who
19 will stay in the dwelling has a right under color of law to possession
20 of the premises.

21 (B) That the party to be excluded has assaulted or threatens to
22 assault the other party or any other person under the care, custody,
23 and control of the other party, or any minor child of the parties or
24 of the other party.

25 (C) That physical or emotional harm would otherwise result to
26 the other party, to any person under the care, custody, and control
27 of the other party, or to any minor child of the parties or of the
28 other party.

29 (f) An order issued pursuant to subdivision (a), (b), (c), or (d)
30 shall state on its face the date of expiration of the order.

31 (g) All data with respect to a juvenile court protective order, or
32 extension, modification, or termination thereof, granted pursuant
33 to subdivision (a), (b), (c), or (d), shall be transmitted by the court
34 or its designee, within one business day, to law enforcement
35 personnel by either one of the following methods:

36 (1) Transmitting a physical copy of the order to a local law
37 enforcement agency authorized by the Department of Justice to
38 enter orders into the California Law Enforcement
39 Telecommunications System (CLETS).

1 (2) With the approval of the Department of Justice, entering the
2 order into CLETS directly.

3 (h) Any willful and knowing violation of any order granted
4 pursuant to subdivision (a), (b), (c), or (d) shall be a misdemeanor
5 punishable under Section 273.65 of the Penal Code.

6 (i) A juvenile court restraining order related to domestic violence
7 issued by a court pursuant to this section shall be issued on forms
8 adopted by the Judicial Council of California and that have been
9 approved by the Department of Justice pursuant to subdivision (i)
10 of Section 6380 of the Family Code. However, the fact that an
11 order issued by a court pursuant to this section was not issued on
12 forms adopted by the Judicial Council and approved by the
13 Department of Justice shall not, in and of itself, make the order
14 unenforceable.

15 (j) (1) Prior to a hearing on the issuance or denial of an order
16 under this part, a search shall be conducted as described in
17 subdivision (a) of Section 6306 of the Family Code.

18 (2) Prior to deciding whether to issue an order under this part,
19 the court shall consider the following information obtained pursuant
20 to a search conducted under paragraph (1): any conviction for a
21 violent felony specified in Section 667.5 of the Penal Code or a
22 serious felony specified in Section 1192.7 of the Penal Code; any
23 misdemeanor conviction involving domestic violence, weapons,
24 or other violence; any outstanding warrant; parole or probation
25 status; any prior restraining order; and any violation of a prior
26 restraining order.

27 (3) (A) If the results of the search conducted pursuant to
28 paragraph (1) indicate that an outstanding warrant exists against
29 the subject of the search, the court shall order the clerk of the court
30 to immediately notify, by the most effective means available,
31 appropriate law enforcement officials of any information obtained
32 through the search that the court determines is appropriate. The
33 law enforcement officials notified shall take all actions necessary
34 to execute any outstanding warrants or any other actions, as
35 appropriate and as soon as practicable.

36 (B) If the results of the search conducted pursuant to paragraph
37 (1) indicate that the subject of the search is currently on parole or
38 probation, the court shall order the clerk of the court to immediately
39 notify, by the most effective means available, the appropriate parole
40 or probation officer of any information obtained through the search

1 that the court determines is appropriate. The parole or probation
2 officer notified shall take all actions necessary to revoke any parole
3 or probation, or any other actions, with respect to the subject
4 person, as appropriate and as soon as practicable.

5 (k) Upon making any order for custody or visitation pursuant
6 to this section, the court shall follow the procedures specified in
7 subdivisions (c) and (d) of Section 6323 of the Family Code.

8 SEC. 8. Section 15657.03 of the Welfare and Institutions Code
9 is amended to read:

10 15657.03. (a) (1) An elder or dependent adult who has suffered
11 abuse, as defined in Section 15610.07, may seek protective orders
12 as provided in this section.

13 (2) A petition may be brought on behalf of an abused elder or
14 dependent adult by a conservator or a trustee of the elder or
15 dependent adult, an attorney-in-fact of an elder or dependent adult
16 who acts within the authority of a power of attorney, a person
17 appointed as a guardian ad litem for the elder or dependent adult,
18 or other person legally authorized to seek such relief.

19 (b) For purposes of this section:

20 (1) "Conservator" means the legally appointed conservator of
21 the person or estate of the petitioner, or both.

22 (2) "Petitioner" means the elder or dependent adult to be
23 protected by the protective orders and, if the court grants the
24 petition, the protected person.

25 (3) "Protective order" means an order that includes any of the
26 following restraining orders, whether issued ex parte, after notice
27 and hearing, or in a judgment:

28 (A) An order enjoining a party from abusing, intimidating,
29 molesting, attacking, striking, stalking, threatening, sexually
30 assaulting, battering, harassing, telephoning, including, but not
31 limited to, making annoying telephone calls as described in Section
32 653m of the Penal Code, destroying personal property, contacting,
33 either directly or indirectly, by mail or otherwise, or coming within
34 a specified distance of, or disturbing the peace of, the petitioner,
35 and, in the discretion of the court, on a showing of good cause, of
36 other named family or household members or a conservator, if
37 any, of the petitioner.

38 (B) An order excluding a party from the petitioner's residence
39 or dwelling, except that this order shall not be issued if legal or
40 equitable title to, or lease of, the residence or dwelling is in the

1 sole name of the party to be excluded, or is in the name of the party
2 to be excluded and any other party besides the petitioner.

3 (C) An order enjoining a party from specified behavior that the
4 court determines is necessary to effectuate orders described in
5 subparagraph (A) or (B).

6 (4) “Respondent” means the person against whom the protective
7 orders are sought and, if the petition is granted, the restrained
8 person.

9 (c) An order may be issued under this section, with or without
10 notice, to restrain any person for the purpose of preventing a
11 recurrence of abuse, if a declaration shows, to the satisfaction of
12 the court, reasonable proof of a past act or acts of abuse of the
13 petitioning elder or dependent adult.

14 (d) Upon filing a petition for protective orders under this section,
15 the petitioner may obtain a temporary restraining order in
16 accordance with Section 527 of the Code of Civil Procedure, except
17 to the extent this section provides a rule that is inconsistent. The
18 temporary restraining order may include any of the protective
19 orders described in paragraph (3) of subdivision (b). However, the
20 court may issue an ex parte order excluding a party from the
21 petitioner’s residence or dwelling only on a showing of all of the
22 following:

23 (1) Facts sufficient for the court to ascertain that the party who
24 will stay in the dwelling has a right under color of law to possession
25 of the premises.

26 (2) That the party to be excluded has assaulted or threatens to
27 assault the petitioner, other named family or household member
28 of the petitioner, or a conservator of the petitioner.

29 (3) That physical or emotional harm would otherwise result to
30 the petitioner, other named family or household member of the
31 petitioner, or a conservator of the petitioner.

32 (e) A request for the issuance of a temporary restraining order
33 without notice under this section shall be granted or denied on the
34 same day that the petition is submitted to the court, unless the
35 petition is filed too late in the day to permit effective review, in
36 which case the order shall be granted or denied on the next day of
37 judicial business in sufficient time for the order to be filed that day
38 with the clerk of the court.

39 (f) Within 21 days, or, if good cause appears to the court, 25
40 days, from the date that a request for a temporary restraining order

1 is granted or denied, a hearing shall be held on the petition. If no
2 request for temporary orders is made, the hearing shall be held
3 within 21 days, or, if good cause appears to the court, 25 days,
4 from the date that the petition is filed.

5 (g) The respondent may file a response that explains or denies
6 the alleged abuse.

7 (h) The court may issue, upon notice and a hearing, any of the
8 orders set forth in paragraph (3) of subdivision (b). The court may
9 issue, after notice and hearing, an order excluding a person from
10 a residence or dwelling if the court finds that physical or emotional
11 harm would otherwise result to the petitioner, other named family
12 or household member of the petitioner, or conservator of the
13 petitioner.

14 (i) (1) In the discretion of the court, an order issued after notice
15 and a hearing under this section may have a duration of not more
16 than five years, subject to termination or modification by further
17 order of the court either on written stipulation filed with the court
18 or on the motion of a party. These orders may be renewed upon
19 the request of a party, either for five years or permanently, without
20 a showing of any further abuse since the issuance of the original
21 order, subject to termination or modification by further order of
22 the court either on written stipulation filed with the court or on the
23 motion of a party. The request for renewal may be brought at any
24 time within the three months before the expiration of the order.

25 (2) The failure to state the expiration date on the face of the
26 form creates an order with a duration of three years from the date
27 of issuance.

28 (3) If an action is filed for the purpose of terminating or
29 modifying a protective order prior to the expiration date specified
30 in the order by a party other than the protected party, the party
31 who is protected by the order shall be given notice, pursuant to
32 subdivision (b) of Section 1005 of the Code of Civil Procedure,
33 of the proceeding by personal service or, if the protected party has
34 satisfied the requirements of Chapter 3.1 (commencing with
35 Section 6205) of Division 7 of Title 1 of the Government Code,
36 by service on the Secretary of State. If the party who is protected
37 by the order cannot be notified prior to the hearing for modification
38 or termination of the protective order, the court shall deny the
39 motion to modify or terminate the order without prejudice or
40 continue the hearing until the party who is protected can be

1 properly noticed and may, upon a showing of good cause, specify
2 another method for service of process that is reasonably designed
3 to afford actual notice to the protected party. The protected party
4 may waive his or her right to notice if he or she is physically
5 present in court and does not challenge the sufficiency of the notice.

6 (j) In a proceeding under this section, a support person may
7 accompany a party in court and, if the party is not represented by
8 an attorney, may sit with the party at the table that is generally
9 reserved for the party and the party's attorney. The support person
10 is present to provide moral and emotional support for a person
11 who alleges he or she is a victim of abuse. The support person is
12 not present as a legal adviser and may not provide legal advice.
13 The support person may assist the person who alleges he or she is
14 a victim of abuse in feeling more confident that he or she will not
15 be injured or threatened by the other party during the proceedings
16 if the person who alleges he or she is a victim of abuse and the
17 other party are required to be present in close proximity. This
18 subdivision does not preclude the court from exercising its
19 discretion to remove the support person from the courtroom if the
20 court believes the support person is prompting, swaying, or
21 influencing the party assisted by the support person.

22 (k) Upon the filing of a petition for protective orders under this
23 section, the respondent shall be personally served with a copy of
24 the petition, notice of the hearing or order to show cause, temporary
25 restraining order, if any, and any declarations in support of the
26 petition. Service shall be made at least five days before the hearing.
27 The court may, on motion of the petitioner or on its own motion,
28 shorten the time for service on the respondent.

29 (l) A notice of hearing under this section shall notify the
30 respondent that if he or she does not attend the hearing, the court
31 may make orders against him or her that could last up to five years.

32 (m) *The respondent shall be entitled, as a matter of course, to*
33 *one continuance, for a reasonable period, to respond to the*
34 *petition.*

35 ~~(m)~~

36 (n) (1) Either party may request a continuance of the hearing,
37 which the court shall grant on a showing of good cause. The request
38 may be made in writing before or at the hearing or orally at the
39 hearing. The court may also grant a continuance on its own motion.

1 (2) If the court grants a continuance, any temporary restraining
2 order that has been granted shall remain in effect until the end of
3 the continued hearing, unless otherwise ordered by the court. In
4 granting a continuance, the court may modify or terminate a
5 temporary restraining order.

6 ~~(n)~~

7 (o) (1) If a respondent, named in an order issued under this
8 section after a hearing, has not been served personally with the
9 order but has received actual notice of the existence and substance
10 of the order through personal appearance in court to hear the terms
11 of the order from the court, no additional proof of service is
12 required for enforcement of the order.

13 (2) If the respondent named in a temporary restraining order is
14 personally served with the order and notice of hearing with respect
15 to a restraining order or protective order based on the temporary
16 restraining order, but the respondent does not appear at the hearing,
17 either personally or by an attorney, and the terms and conditions
18 of the restraining order or protective order issued at the hearing
19 are identical to the temporary restraining order, except for the
20 duration of the order, then the restraining order or protective order
21 issued at the hearing may be served on the respondent by first-class
22 mail sent to the respondent at the most current address for the
23 respondent that is available to the court.

24 (3) The Judicial Council form for temporary orders issued
25 pursuant to this subdivision shall contain a statement in
26 substantially the following form:

27
28 “If you have been personally served with a temporary restraining
29 order and notice of hearing, but you do not appear at the hearing
30 either in person or by a lawyer, and a restraining order that is the
31 same as this temporary restraining order except for the expiration
32 date is issued at the hearing, a copy of the order will be served on
33 you by mail at the following address: ____.

34 If that address is not correct or you wish to verify that the
35 temporary restraining order was converted to a restraining order
36 at the hearing without substantive change and to find out the
37 duration of that order, contact the clerk of the court.”

38
39 ~~(e)~~

1 (p) (1) Information on a protective order relating to elder or
2 dependent adult abuse issued by a court pursuant to this section
3 shall be transmitted to the Department of Justice in accordance
4 with either paragraph (2) or (3).

5 (2) The court shall order the petitioner or the attorney for the
6 petitioner to deliver a copy of an order issued under this section,
7 or a reissuance, extension, modification, or termination of the
8 order, and any subsequent proof of service, by the close of the
9 business day on which the order, reissuance, extension,
10 modification, or termination was made, to each law enforcement
11 agency having jurisdiction over the residence of the petitioner, and
12 to any additional law enforcement agencies within the court's
13 discretion as are requested by the petitioner.

14 (3) Alternatively, the court or its designee shall transmit, within
15 one business day, to law enforcement personnel all information
16 required under subdivision (b) of Section 6380 of the Family Code
17 regarding any order issued under this section, or a reissuance,
18 extension, modification, or termination of the order, and any
19 subsequent proof of service, by either one of the following
20 methods:

21 (A) Transmitting a physical copy of the order or proof of service
22 to a local law enforcement agency authorized by the Department
23 of Justice to enter orders into the California Law Enforcement
24 Telecommunications System (CLETS).

25 (B) With the approval of the Department of Justice, entering
26 the order or proof of service into CLETS directly.

27 (4) Each appropriate law enforcement agency shall make
28 available information as to the existence and current status of these
29 orders to law enforcement officers responding to the scene of
30 reported abuse.

31 (5) An order issued under this section shall, on request of the
32 petitioner, be served on the respondent, whether or not the
33 respondent has been taken into custody, by any law enforcement
34 officer who is present at the scene of reported abuse involving the
35 parties to the proceeding. The petitioner shall provide the officer
36 with an endorsed copy of the order and a proof of service, which
37 the officer shall complete and send to the issuing court.

38 (6) Upon receiving information at the scene of an incident of
39 abuse that a protective order has been issued under this section,
40 or that a person who has been taken into custody is the respondent

1 to that order, if the protected person cannot produce an endorsed
2 copy of the order, a law enforcement officer shall immediately
3 attempt to verify the existence of the order.

4 (7) If the law enforcement officer determines that a protective
5 order has been issued but not served, the officer shall immediately
6 notify the respondent of the terms of the order and where a written
7 copy of the order can be obtained, and the officer shall at that time
8 also enforce the order. The law enforcement officer's verbal notice
9 of the terms of the order shall constitute service of the order and
10 is sufficient notice for the purposes of this section and for the
11 purposes of Section 273.6 of the Penal Code.

12 ~~(p)~~

13 (q) Nothing in this section shall preclude either party from
14 representation by private counsel or from appearing on the party's
15 own behalf.

16 ~~(q)~~

17 (r) There is no filing fee for a petition, response, or paper
18 seeking the reissuance, modification, or enforcement of a protective
19 order filed in a proceeding brought pursuant to this section.

20 ~~(r)~~

21 (s) Pursuant to paragraph (4) of subdivision (b) of Section
22 6103.2 of the Government Code, a petitioner shall not be required
23 to pay a fee for law enforcement to serve an order issued under
24 this section.

25 ~~(s)~~

26 (t) The prevailing party in an action brought under this section
27 may be awarded court costs and attorney's fees, if any.

28 ~~(t)~~

29 (u) (1) A person subject to a protective order under this section
30 shall not own, possess, purchase, receive, or attempt to receive a
31 firearm or ammunition while the protective order is in effect.

32 (2) The court shall order a person subject to a protective order
33 issued under this section to relinquish any firearms he or she owns
34 or possesses pursuant to Section 527.9 of the Code of Civil
35 Procedure.

36 (3) Every person who owns, possesses, purchases, or receives,
37 or attempts to purchase or receive a firearm or ammunition while
38 subject to a protective order issued under this section is punishable
39 pursuant to Section 29825 of the Penal Code.

1 (4) This subdivision does not apply in a case in which a
2 protective order issued under this section was made solely on the
3 basis of financial abuse unaccompanied by force, threat,
4 harassment, intimidation, or any other form of abuse.

5 ~~(tt)~~

6 (v) Any willful disobedience of any temporary restraining order
7 or restraining order after hearing granted under this section is
8 punishable pursuant to Section 273.6 of the Penal Code.

9 ~~(v)~~

10 (w) This section does not apply to any action or proceeding
11 governed by Title 1.6C (commencing with Section 1788) of Part
12 4 of Division 3 of the Civil Code, by Chapter 3 (commencing with
13 Section 525) of Title 7 of Part 2 of the Code of Civil Procedure,
14 or by Division 10 (commencing with Section 6200) of the Family
15 Code. Nothing in this section shall preclude a petitioner's right to
16 use other existing civil remedies.

17 ~~(w)~~

18 (x) The Judicial Council shall develop forms, instructions, and
19 rules relating to matters governed by this section. The petition and
20 response forms shall be simple and concise, and their use by parties
21 in actions brought pursuant to this section shall be mandatory.